

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GOODMAN BALL, INC. } Case No.: 3:10-CV-01249-WHA  
Plaintiff, }  
vs. }  
MACH II AVIATION, INC.; }  
ESCAPE VELOCITY OF TAMPA BAY, }  
INC.; JOHN STANTON; WALTER }  
HOLMICHI; PETER ARGER; and Does 1- }  
10, inclusive, }  
Defendants. }  

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**PROPOSED ORDER RE SCHEDULE  
FOR CLAIM CONSTRUCTION**

**DATE: FEBRUARY 9, 2011  
TIME: 1:30 PM  
CTRM: 9, 19<sup>th</sup> Fl.**

Judge: The Honorable William H. Alsup

1 Pursuant to this Court's *Case Management Order and Reference to ADR Unit for*  
2 *Mediation* issued on September 22, 2010 (Docket No. 37), Plaintiff Goodman Ball, Inc. ("GBI")  
3 files and emails this joint *Proposed Order Re Schedule for Claim Construction* to  
4 whapo@cand.uscourts.gov.

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**PROPOSED ORDER RE SCHEDULE FOR CLAIM CONSTRUCTION**

<u>Event</u>	<u>Date</u>
Disclosure of Asserted Claims and Preliminary Infringement Contentions and Accompanying Documents – Patent L.R. 3-1 and 3-2	09/27/10
Disclosure of Preliminary Invalidity Contentions and Accompanying Documents – Patent L.R. 3-3 and 3-4	10/13/10 <sup>1</sup>
Exchange of Proposed Terms and Claim Elements for Construction – Patent L.R. 4-1(a)	10/20/10
Disclosure of Identity, Qualifications, and Expertise of Expert Witnesses	10/20/10
Exchange of Preliminary Claim Construction and Extrinsic Evidence – Patent L.R. 4-2(a)	11/10/10
Joint Claim Construction and Prehearing Statement Patent L.R. 4-3	11/20/10
Claim Construction Prehearing Conference	11/27/10
Expert Witness Reports on Markman Issues	12/27/10
Completion of Claim Construction Discovery Patent L.R.4-4	12/27/10
Plaintiff's Opening Claim Construction Brief Patent L.R. 4-5	01/04/11
Defendants' Response to Plaintiff's Opening Claim Construction Brief	01/18/11
Plaintiff's Reply to Defendants' Response	01/25/11
Claim Construction Hearing	02/09/11

<sup>1</sup> By providing this *Proposed Order Re Schedule for Claim Construction*, GBI does not in any way whatsoever consent to allow Defendants to challenge the validity of the '260 patent. In a series of emails and teleconferences, GBI has stated its position that it would object to any challenge by Defendants to the '260 patent in light of the Prior Litigation.

1 SHUTTS & BOWEN LLP

AHMADSHAH & ASSOCIATES

2  
3 Respectfully Submitted,

Respectfully Submitted,

4  
5 /S/ John E. Johnson  
John E. Johnson

/S/ Michael M. Ahmadshahi  
Michael M. Ahmadshahi

6 Attorney for Defendants  
7 Seeking Pro Hac Vice Admission

Attorney for Plaintiff

8 Pursuant to Gen. Ord. 45XB  
9 Michael M. Ahmadshahi attest  
that concurrence in the filing of  
this document has been obtained  
from the above signatory.

11  
12 The proposed claim construction schedule is **APPROVED**.

14 **IT IS SO ORDERED.**

16 Dated: October 8, 2010.

17   
WILLIAM ALSUP  
18 UNITED STATES DISTRICT COURT  
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## **CERTIFICATE OF SERVICE**

I, Michael M. Ahmadshahi, certify under penalty of perjury that the foregoing *Proposed Order Re Schedule for Claim Construction* was served on the interested parties listed below, via the Court's Electronic Filing Program, United States Mail, Electronic Mail, and/or any other manner permitted by the Federal Rules of Civil Procedure on October 8, 2010.

/S/ Michael M. Ahmadshahi  
Michael M. Ahmadshahi, Esq.

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Atorneys for Defendants Mach II and Escape Velocity in Case No. 3:07-CV-01148-BZ; and  
Atorneys for Defendants Escape Velocity, Stanton, and Arger in Case No. 3:10-CV-01249-WHA.